

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated October 20, 2008 and the Advisory Action of January 13, 2009. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-3, 5-8, 10, 12 and 14-15 are pending in the Application. Claims 4, 9, 11 and 13 are canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claims 14-15 are added by this amendment.

In the Office Action, the drawings are objected to for not showing the elements of claim 9. It is believed that the cancellation of claim 9 herein renders this objection to the drawings moot. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

However, upon a thorough review of the application, a typographic error was noted in FIG. 5b wherein a reference on an inner portion of the tooth 6 closest to the hair shaft 16 was designated "11" wherein it is believed the designation should be "12". FIG. 5b is amended herein to reflect this understanding.

Consideration and entrance of the amendment to claim 5b is respectfully requested.

In the Office Action, the Examiner objected to the Abstract for certain informalities. The Applicants appreciate the Examiner's assistance in clearing up informalities present in the Application and in response, the Abstract has been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

The specification is objected to for informalities. The Applicants appreciate the Examiner's assistance in clearing up informalities present in the specification and in response, the specification is amended herein to correct the informalities noted by the Examiner. It is respectfully submitted that the specification is in proper form and an indication to that effect is respectfully requested.

In the Office Action, claims 3-4 are objected to for informalities. Applicants respectfully traverse this objection to claims 3-4, however in the interest of advancing consideration and allowance of the claims, the Applicants have elected to amend claim 3 and further claim 5 in accordance with the Examiner's

suggestions. The cancellation of claim 4 herein renders the rejection with regard to claim 4 moot. Accordingly, withdrawal of the objection to claim 3 is respectfully requested.

In the Office Action, claims 9, 11 and 13 are rejected under 35 U.S.C. §112, first paragraph. It is respectfully submitted that the cancellation of claims 9, 11 and 13 renders the rejection of claims 9, 11 and 13 moot although it is respectfully submitted that the disclosure is more than sufficient to enable such an embodiment.

In the Office Action, claims 2-5, 9, 11 and 13 are rejected under 35 U.S.C. §112, second paragraph. The cancellation of claims 4 and 9 herein renders the rejection with regard to claims 4 and 9 moot. Claims 2, 3 and 5 are amended to clarify that which is recited in the claims. Accordingly, it is respectfully submitted that claims 2, 3 and 5 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Final Office Action, claims 1-5 and 9-13 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 2,281,434 to Gur Arye ("Gur Arye"). Claims 6 is rejected under 35 U.S.C. §103(a) over Gur Arye. Further, claims 7 and 8 are rejected under 35 U.S.C.

§103(a) over Gur Arye. The rejections are respectfully traversed. It is respectfully submitted that claims 1-3, 5-8, 10, 12 and 14-15 are allowable over Gur Arye for at least the following reasons.

Gur Arye shows a shaving device wherein cutting teeth are punched out of "sheet metal or blank by the conventional die punch press operation ..." (See, Gur Arye, FIGs. 19, 20, 21, 22 and 24 and page 5, right column, lines 16-19.) As clear, the cutting teeth do not vary over the length of the cutting teeth.

It is respectfully submitted that the shaving apparatus of claim 1 is not anticipated or made obvious by the teachings of Gur Arye. For example, Gur Arye does not teach, disclose or suggest, a shaving apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "wherein at least one of the edges of each pair of cooperating edges is provided with a cutting edge, and wherein one of the cooperating tooth edges in a zone between a tip of the tooth and the cutting edge forms an abutment for a hair caught in the cutting opening, wherein a face of the abutment is directed parallel to a plane of the hairs" as recited in claim 1.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Gur Arye and notice to this effect is earnestly solicited. Claims 1-3, 5-8, 10, 12 and

14-15 respectively depend from claim 1 and accordingly are allowable over Gur Arye for at least this reason as well as for the separately patentable elements contained in each of the claims.

For example, with regard to the rejection of claims 7-8, the Office Action has taken a position that although the Office Action admits that Gur Arye does not disclose the limitations of the claims, the Office Action contends that "it would have been obvious to one having ordinary skill in the art to modify Gur Arye such that it is of a size and configuration that would fall within the claimed stroke characteristics to gain various well known benefits including performing cutting operations on the desired scale of workpiece and/or attaining desired cutting characteristics therefor." This position is respectfully traversed. It is respectfully submitted that Gur Arye is clear that (emphasis added) "the movable cutter is translated with respect to the stationary cutter at least a distance equal to the width of a hair." (See, Gur Arye, page 8, left column, lines 18-21, cited in the Office Action.)

Accordingly and as clear from Gur Arye, the width of a hair is the minimum stroke length that should be considered as taught by Gur Arye.

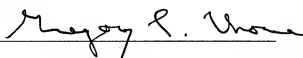
While the Office Action contends that the benefits of a shorter stroke are obvious, this position is respectfully refuted. In fact, the Applicants contend that having a stroke length that is less than the thickness of hair is counterintuitive and that the benefits of such, were discovered and claimed by the Applicants. Accordingly, it is refuted that the recitations of claims 7-8 are obvious over Gur Arye.

In any event, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: Replacement drawing sheet (1 sheet including FIG. 5b)

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